

20215. Misbranding of whitefish caviar. U. S. v. Smith Bros. of Port Washington, Inc. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 32805. Sample Nos. 8969-L, 10273-L, 10274-L.)

INFORMATION FILED: August 4, 1952, Eastern District of Wisconsin, against Smith Bros. of Port Washington, Inc., Port Washington, Wis.

ALLEGED SHIPMENT: On or about February 7, 1952, from the State of Wisconsin into the States of Illinois and Michigan.

LABEL, IN PART: "Land O'Lakes Brand Whitefish Caviar With Added Pure Carbon Packed by Smith Bros. Port Washington Wis. Net Weight 8 Oz. [or "1 Lb."]."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

DISPOSITION: June 22, 1953. The defendant having entered a plea of nolo contendere, the court fined it \$200.

20216. Adulteration of oysters. U. S. v. 144 Cans, etc. (F. D. C. No. 34593. Sample Nos. 57483-L, 57484-L.)

LIBEL FILED: January 7, 1953, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 30, 1952, by Milton L. Drewer, from Saxis, Va.

PRODUCT: 144 1-pint cans of oysters standards and 64 1-pint cans of oysters selects at Jacksonville, Fla.

LABEL, IN PART: (Cans) "Milton Drewer's Delicious Salt Water Oysters * * * Oysters Standards [or "Selects"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

DISPOSITION: January 12, 1953. Default decree of condemnation. The court ordered that the product be delivered to a county institution, for consumption by the inmates.

20217. Adulteration and misbranding of oysters. U. S. v. 144 Cans * * *. (F. D. C. No. 34557. Sample No. 26246-L.)

LIBEL FILED: January 16, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 13, 1953, by S. S. East, Inc., from Mauricetown, N. J.

PRODUCT: 144 1-pint cans of oysters at St. Louis, Mo.

LABEL, IN PART: "Oysters Counts * * * Sailor Boy Brand Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (2), the article purported to be and was represented as oysters counts, a food for which a definition and standard of identity has been prescribed, and the article failed to conform to the definition and standard. The definition and standard provides that raw oysters are packed without any added substance, and that oysters counts are of such size that 1 gallon contains not more than 160 oysters and 1 quart of the smallest oysters